

Civil Rights



Federal civil rights laws and the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, together protect your fundamental rights of nondiscrimination and health information privacy. Civil Rights help to protect you from unfair treatment or discrimination, because of your race, color, national origin, disability, age, sex (gender), or religion. Federal laws also provide conscience protections for health care providers.

The Privacy Rule protects the privacy of your health information; it says who can look at and receive your health information, and also gives you specific rights over that information. In addition, the Patient Safety Act and Rule establish a voluntary reporting system to enhance the data available to assess and resolve patient safety and health care quality issues and provides confidentiality protections for patient safety concerns.

Civil rights

civil rights: an overview

A civil right is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. Examples of civil rights are freedom of speech, press, and assembly; the right to vote; freedom from involuntary servitude; and the right to equality in public places. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their membership in a particular group or class. Various jurisdictions have enacted statutes to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, and in some instances sexual orientation.

The most important expansions of civil rights in the United States occurred as a result of the enactment of the Thirteenth and Fourteenth Amendments of the U.S. Constitution. The Thirteenth Amendment abolished slavery throughout the United States. See U.S. Const. amend. XIII. In response to the Thirteenth Amendment, various states enacted "black codes" that were intended to limit the civil rights of the newly free slaves. In 1868 the Fourteenth Amendment countered these "black codes"

by stating that no state "shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States... [or] deprive any person of life, liberty, or property without due process of law, [or] deny to any person within its jurisdiction the equal protection of the laws." See U.S. Const. amend. XIV. Section Five of the Fourteenth Amendment gave Congress the power by section five of the Fourteenth Amendment to pass any laws needed to enforce the Amendment.

During the reconstruction era that followed, Congress enacted numerous civil rights statutes. Many of these are still in force today and protect individuals from discrimination and from the deprivation of their civil rights. Section 1981 of Title 42 (Equal Rights Under the Law) protects individuals from discrimination based on race in making and enforcing contracts, participating in lawsuits, and giving evidence. See 42 U.S.C. § 1981. Other statutes, derived from acts of the reconstruction era, that protect against discrimination include: Civil Action for Deprivation of Rights (See 42 U.S.C. § 1983); Conspiracies to Interfere With Civil Rights (See 42 U.S.C. § 1985); Conspiracy Against Rights of Citizens (See 18 U.S.C. § 241); Deprivation of Rights Under Color of Law, (See 18 U.S.C. § 242); The Jurisdictional Statute for Civil Rights Cases (See 28 U.S.C. § 1443); and Peonage Abolished (See 42 U.S.C. § 1994).

The most prominent civil rights legislation since reconstruction is the Civil Rights Act of 1964. Decisions of the Supreme Court at the time limited Congressional enforcement of the 14th Amendment to state, rather than individual, action. (Since 1964 the Supreme Court has expanded the reach of the 14th Amendment in some situations to individuals discriminating on their own). Therefore, in order to reach the actions of individuals, Congress, using its power to regulate interstate commerce, enacted the Civil Rights Act of 1964 under Title 42, Chapter 21 of the United States Code. Discrimination based on "race, color, religion, or national origin" in public establishments that have a connection to interstate commerce or are supported by the state is prohibited. See 42 U.S.C. § 2000a. Public establishments include places of public accommodation (e.g., hotels, motels, and trailer parks), restaurants, gas stations, bars, taverns, and places of entertainment in general. The Civil Rights Act of 1964 and subsequent legislation also declared a strong legislative policy against discrimination in public schools and colleges which aided in desegregation. Title VI of the Civil Rights Act prohibits discrimination in federally funded programs. Title VII of the Civil Rights Act prohibits employment discrimination where the employer is engaged in interstate commerce. Congress has passed numerous other laws dealing with employment discrimination. See Employment Discrimination.

The judiciary, most notably the Supreme Court, plays a crucial role in interpreting the extent of the civil rights, as a single Supreme Court ruling can alter the recognition of a right throughout the nation. Supreme Court decisions can also affect the manner in which Congress enacts civil rights legislation, an occurrence that occurred with the Civil

Rights Act of 1964. The federal courts have been crucial in mandating and supervising school desegregation programs and other programs established to rectify state or local discrimination.

In addition to federal guarantees, state constitutions, statutes and municipal ordinances provide further protection of civil rights. See, e.g., New York's Civil Rights Law.

Numerous international agreements and declarations recognize human rights. The United States has signed some of these agreements, including the International Covenant on Civil and Political Rights.

menu of sources

Federal Material

U.S. Constitution and Federal Statutes

- The United States Constitution
- Chapter 21 (Civil Rights) of Title 42 of The United States Code
- CRS Annotated Constitution

Federal Agency Regulations

- Code of Federal Regulations:
 - 28 C.F.R., Part 42 - Dept. of Justice
 - 29 C.F.R., Chapt. XIV - Equal Employment Opportunity Commission
 - 34 C.F.R., Chapt. I - Office for Civil Rights, Dept. of Educ.
 - 45 C.F.R., Chapt. VII - Civil Rights Commission

Federal Judicial Decisions

- U.S. Supreme Court:
 - Recent Civil Rights Decisions
 - Historic Constitutional Law Decisions
 - libulletin Oral Argument Previews
- U.S. Circuit Courts of Appeals: Recent Decisions on Civil Rights

state material

State Statutes

- Search Statutes of State in Question

State Judicial Decisions

- N.Y. Court of Appeals:
 - Recent Civil Rights Decisions
 - Commentary from liibulletin-ny
- Appellate Decisions from Other States

International Material

Conventions and Treaties

- The International Covenant on Civil and Political Rights
- International Human Rights Instruments

Other References

Key Internet Sources

- U.S. Department of Justice Civil Rights Division
- Civil Rights Resources
- Human Rights Around the World
- AAAS Human Rights Action Network
- RESULTS
- Workplace Discrimination and Harassment (Nolo)
- American Civil Liberties Union
- Amnesty International
- Human Rights Watch
- ABA Section of Individual Rights & Responsibilities

Useful Offnet (or Subscription - \$) Sources

- Good Starting Point in Print: Harold S. Lewis, Jr., *Hornbook on Civil Rights and Employment Discrimination Law*, West Group (2004)
- LII Downloads

other topics

- Employment Discrimination
- Category: Constitutional Law
- Category: Employment Law

- Category: Individual Rights
 - LII resources: civil rights
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Civil Right Quiz

1. John F. Kennedy called for a civil rights bill in his 1963 civil rights speech.
 True False

2. The Civil Rights Act of 1964 was passed in an effort to correct

1. racial and gender discrimination
2. limitations on freedom of speech
3. unfair immigration quotas
4. segregation in the armed forces

3. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their membership in a particular group or class. Various jurisdictions have enacted statutes to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, and in some instances sexual orientation.

True False

4. Title VI of the Civil Rights Act prohibits discrimination in federally funded programs.

True False

5. Which step was taken following this speech to advance the dream of Martin Luther King, Jr.

"I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'" —Martin Luther King, Jr. Washington, D.C., 1963

1. desegregation of the Armed Forces
2. ruling in Plessy v. Ferguson
3. elimination of the Ku Klux Klan
4. passage of new civil rights acts

Civil Right Quiz

6. The data in this chart support the conclusion that between 1960 and 1990

MEDIAN EARNINGS OF MEN AND WOMEN IN THE UNITED STATES, 1960-1990				
Year	Women	Men	Women's Earnings as a Percent of Men's	Earnings Gap in Constant 1990 Dollars
1960	\$ 3,257	\$ 5,368	60.7	\$ 8,569
1970	5,323	8,966	59.4	11,529
1980	11,197	18,612	60.2	11,776
1990	19,822	27,678	71.6	7,856

Source: Bureau of the Census

1. government failed to pass laws that granted women equal access to jobs
2. the earnings gap between men and women was only slightly improved
3. women's earnings consistently increased faster than those of men
4. most higher paying jobs were still not legally open to women